

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JAMES H. HAYES,

Petitioner,

v.

CITY OF LAS VEGAS, et al.,

Respondents.

Case No. 2:20-cv-02122-RFB-BNW

ORDER

This is James H. Hayes pro se 42 U.S.C. § 1983 civil rights action. Plaintiff also submitted a pro se 28 U.S.C. § 2254 habeas corpus petition to the court. On November 5, 2021, the Clerk inadvertently filed the habeas petition in this action (see ECF Nos. 19 and 20). Accordingly, the court will strike the habeas petition from this action and direct that it be filed in a new case, with a new case number.

**IT IS THEREFORE ORDERED** that the habeas petition (ECF No. 19) and motion for appointment of counsel (ECF No. 20) are both **STRICKEN**.

**IT IS FURTHER ORDERED** that the Clerk open a new 28 U.S.C. § 2254 habeas action and **FILE** the habeas petition and motion for counsel (ECF Nos. 19 and 20) in that new action.

1           **IT IS FURTHER ORDERED** that a copy of this order be filed in this case and the  
2 new habeas case.

3           DATED: 11 February 2022.

A stylized, handwritten signature in black ink, consisting of a large, loopy 'R' followed by a vertical line and a horizontal stroke.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE